

Report

Alleged Breach Report

This Alleged Breach Report will assist officers in recording information which supports a decision to take enforcement action i.e. issue a Penalty Infringement Notice (PIN) under the State Penalties Enforcement Act 1999 regime. This includes offences under the Environmental Protection Act 1994, Nature Conservation Act 1992, Forestry Act 1959, Recreation Areas Management Act 2006, Marine Parks Act 2004, Waste Reduction and Recycling (WRR) Act 2011, Chapter 3 of the Water Act 2000 and the Queensland Heritage Act 2000, as listed within the State Penalties Enforcement Regulation 2000.

Note: For information on writing and the management of PINs please refer to the [PIN Manual](#) or contact infringement.notices@ehp.qld.gov.au.

1. Identifying details

LIDU Officer	Julie Hoek
Tracker Number	14150555
File number	101/0014323
Name of alleged offender	49-Sch4
Date of Birth	
Drivers licence number	
Address	
ACN/ABN	
Contact details	

2. Background details of incident

Please outline any historical information relevant to this incident. This information may assist with the reasoning for the decision, assist in completing a review of the PIN and may be essential should the matter be referred to the Magistrates Court.

Date the department became aware of the offence.	9 February 2014
Date(s) & time of offence	Friday 6 February 2015
Location	Lot 2 Plan M331435 GPS Coordinates -27.809440 153.053780
Vehicle/vessel details	White 2001 Hyundai Excel registration

Investigation Summary

Chronological order of events:

09 February 2015

- Gina Cavendish received a call from [49-Sch4]
- [] came across some illegally dumped household waste on Friday 6 Feb around 5pm.
- [] the waste wasn't there the day before.
- [] spoke to [] who said he witnessed the waste being dumped and took photos and was going to report it to the police.
- [] there were a couple of piles of dumping. Two of household waste on the railway line and one of car bodies just over the fence.
- Gina Cavendish asked [] if he could get in contact with [] and could he ask him to contact LIDU.
- []
- Gina Cavendish asked [] if he could take some photos of the site and email them to me. Three emails were received from [] with photos of the waste.
- [] contacted Julie Hoek and stated that the illegally dumped waste was on an old disused railway line []
- Julie Hoek checked Smartmap and the title search identified the land as freehold.
- Julie Hoek contacted Logan City Council [] and spoke to Garry Randall.
- Gary Randall requested Julie Hoek email him the details and he will get someone to go out and have a look at it to determine jurisdiction.
- Gary Randall stated that he had already been referred this complaint via LCC call centre and they had been told the waste was on the railway tracks.
- Julie Hoek contacted [] and stated that LCC will be looking into the matter to determine jurisdiction.

11 February 2015

- Gina Cavendish received an email from []
- []
 - [] was asked to forward some pics of illegal dumping along the Rail line in "Jimboomba".
- [] attached a word document to the email.
- The word document contained small photos of a white Hyundai Excel with registration [] containing three occupants, driving on a dirt road and towing an empty trailer.
- [] he would like to see the guy charged and wished to be informed if he is fined.
- Julie Hoek forwarded the email to Gary Randall.
- Julie Hoek received an email from Gary Randall.
- Gary Randall stated that he would create a Logan City Council (LCC) job request.
- Gary Randall stated It would appear that the road in question, depicted in both complainant's photos, is one which runs beside the unused railway line within the Beaudesert Railway Branch corridor.
- Gary Randall stated that the road was State of Queensland owned.
- Gary Randall stated a LCC officer would confirm the location with []

17 February 2015

- Julie Hoek contacted Dept. of Transport and Main Roads and Logan City Council and requested an officer meet with LIDU officers, Matt Lyons and Julie Hoek on site at Camp Cable Road.
- Julie Hoek conducted a MINDA search of the vehicle which identified the vehicle was owned by [] of []

13 February 2015

- Julie Hoek received an email from []
- []
- []
- Julie Hoek rang LCC and spoke to Garry Randall.

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- Gary Randall stated that an officer had visited the site and confirmed it is a service road for the railway line.
- Gary Randall stated that LCC had sent an email to [49-Sch4] regarding the landowner and advised that the LCC officer handling the matter was Kelvin Johannesen.
- Julie Hoek contacted Queensland Rail on 131617 and left a message for Fiona Byles [] to contact Julie Hoek.

17 February 2015

- Julie Hoek received a call from []
- Julie Hoek explained to [] that the land appeared to be owned by Queensland Rail and that she would be in contact with them that day.
- Julie Hoek contacted Fiona Byles and forwarded all the email correspondence from the complainant and LCC to her.
- Fiona Byles stated that she would organise someone to meet LIDU officers on site tomorrow and would carry out a clean-up.
- Julie Hoek received a call from Fiona Byles.
- Fiona Byles stated that the land has been handed back to Department of Transport and Main Roads (DTMR) and a Lucinda Hoffman would be contacting Julie Hoek regarding the matter.
- Julie Hoek received a call from Anne Greisbach DTMR.
- Ann Greisbach asked if Julie could email the photos to determine location.
- Julie Hoek sent an email to []
- Julie Hoek contacted Gary Randall and asked if Kelvin Johannesen could meet her and another LIDU officer on site at 1.30pm tomorrow.
- Matt Lyons was contacted by Rodney Baumann from DTMR Roadtek.
- Rodney Baumann stated that he had been forwarded the request to meet LIDU officers on site.
- Matt Lyons stated that two LIDU officers would be meeting a LCC officer on site at 1:30pm tomorrow. Rodney Baumann confirmed his attendance.
- Julie Hoek conducted a MINDA search of the White Hyundai Excel registration []
- MINDA identified that the vehicle was owned by [] date of birth - [] of []

18 February 2015

- Julie Hoek and Matt Lyons met Kelvin Johannesen (LCC) Rodney Baumann (DTMR Roadtek) onsite and commenced an inspection of the track that ran parallel with the disused railway line.
- Matt Lyons and Julie Hoek observed four different illegally dumped waste piles along the track.
- Three illegally dumped waste sites appeared to have been dumped quite some time ago considering the state of the rusted metal. These other sites did not contain any identifiable evidence that would link the waste to an alleged offender.
- Matt Lyons and Julie Hoek conducted a site investigation into the illegally dumped waste reported by []
- The investigated site contained two piles of waste on either side of the track. Matt Lyons and Julie Hoek determined the two piles were linked due to the waste in one pile containing matching pieces of waste to the other pile. The waste included:
 - Canon printer, empty cardboard boxes, baby bouncer, vacuum cleaner, large brown carpet, rugs, fuel drum, black trampoline net, bike tyre pump, green waste, office chair, gym set, pink backpack, blue vehicle mats, disassembled office chair, empty paint can and general household waste.
- The following evidence was collected from the waste:
 1. [] folder containing documents relating to body corporate operation procedures.
 2. 2007 laminated one page calendar with photo []
[] This calendar was inside a plastic folder.
 3. Cardboard folder with a name on the front [] with documents inside from [] School.
 4. 64 Page notebook with the name [] on the front.
 5. Scrap Book with the name [] on the front cover.

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- Matt Lyons measured the waste piles and applied a volumetric measurement.
 - Formula: $L(m) \times W(m) \times H(m) / 3 = \text{Volume in m}^3$
 - First pile: 4m x 2m x .2m
 - Second pile: 3m x 3m x .3m
 - First pile = .53m³ (530L) +
 - Second pile = .9m³ (900L) = Total 1430 Litres
- Rodney Baumann stated that DTMR would remove all four illegally dumped waste piles.

23 February 2015

- Matt Lyons contacted [49-Sch4] and requested he email all original photos of the incident.
- [] did not witness the illegal dumping incident.
- [] witnessed a white Hyundai Excel with a trailer full of waste, drive along Edelsten Rd [] and turn onto the dirt road running parallel with the railway line. Sometime after this, the white Hyundai Excel exited the dirt road and drove back along Edelsten Rd with an empty trailer.
- [] took photos of the vehicle driving along Edelsten Rd and then proceeded down the dirt road and took photos of the new piles of illegally dumped waste.
- Matt Lyons requested [] complete a witness statement about what he observed.
- Matt Lyons emailed [] a blank witness statement and a completed witness statement, to use as a guide for reporting this incident.

2 March 2015

- Julie Hoek was contacted by []
- [] asked when the waste was going to be cleaned up.
- Julie Hoek contacted Rodney Baumann DTMR on [49-Sch4 - Mobil]
- Rodney Baumann stated that the site was planned to have been cleaned up on Friday but it would be done by the end of the week.
- Julie Hoek rang [] and advised him.

5 March 2015

- Julie Hoek received a call from Rodney Baumann stating that the four illegally dumped waste sites had been cleaned by Roadtek.
- Matt Lyons emailed [] advising him that the waste had been removed.

16 March 2015

- Matt Lyons received an email from [] [] would get the witness statement done as soon as possible.

23 March 2015

- Matt Lyons conducted a Smartmap search of [] the address identified on [] licence.
- Smartmap identified the owner as []
- Matt Lyons conducted a White Pages online search for []
- White pages identified [] phone number: []

24 March 2015

- Matt Lyons called [] and spoke to []
- Matt Lyons asked [] if he could speak to []
- [] did not live at this address any longer.
- Matt Lyons explained that he worked for EHP and that he had a matter that he needed to discuss with []
- [] stated that he didn't know where [] lived and he didn't know his phone number.

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25 March 2015

- Matt Lyons received a completed witness statement from [49-Sch4]

26 March 2015

- Matt Lyons called [redacted]
- [redacted] asked [redacted] if he could get [redacted] contact details.

- Matt Lyons issued RTA with a NRRI for all tenancy related information [redacted] with date of birth [redacted]

30 March 2015

- RTA responded to the NRRI stating that there was no information for [redacted] with that date of birth. However there were multiple listings for [redacted] RTA requested that Matt Lyons issue a second NRRI for [redacted]

7 April 2015

- Matt Lyons issued RTA with a second NRRI for just [redacted] and [redacted]

15 April 2015

- Julie Hoek was contacted by Lisa Fletan from RTA.
- Lisa Fletan stated that there were too many results for [redacted] in Queensland, for RTA to provide Matt Lyons with all the information.

16 April 2015

- Matt Lyons contacted Lisa Fletan from RTA.
- Lisa Fletan stated that RTA required specific details to search; including location by postcode or suburb; a timeframe the person lived in the area; and the person's name.
- Lisa Fletan stated that a date of birth is rarely given to RTA on bond lodgement forms, so date of birth does not usually assist RTA searching for someone.
- Matt Lyons submitted a third NRRI to RTA for [redacted] in the [redacted] area.

17 April 2015

- Matt Lyons received a response from RTA stating that a [redacted] resided at [redacted] and phone number [redacted]. This address was managed by [redacted]

20 April 2015

- Matt Lyons contacted [redacted]
- Matt Lyons stated that he was an authorised officer for EHP, looking into a matter that involved a car registered to [redacted] date of birth [redacted]
- Matt Lyons stated that he had received information from RTA that there was a [redacted] renting [redacted]
- Matt Lyons emailed [redacted] a request to verify if the [redacted]
- [redacted] did not match the [redacted] from the request, based on the date of birth.
- Matt Lyons spoke to Jimboomba Police ⁷³⁽²⁾ [redacted] and explained that he was having trouble trying to locate [redacted] and various searches had been applied.
- Matt Lyons asked if he could forward through an email requesting assistance for the current residential address for [redacted]
- Matt Lyons forwarded through an email to ⁷³⁽²⁾ [redacted]
- ⁷³⁽²⁾ [redacted] responded stating "I conducted a search on [redacted] I have another address however it is older than the [redacted] address. The address is [redacted]. I called his most recent contact number [redacted] I have attempted to find the female depicted in the footage in attempt to locate an address however it has been unsuccessful".

21 April 2015

- Matt Lyons conducted a Facebook search of the names [49-Sch4] and [] as these names were on evidence items 3, 4 and 5 collected from amongst the waste.
- Matt Lyons identified a Facebook page for both a [] Both of these Facebook pages were linked to each other.
- The Facebook pages for [] were also linked to a Facebook page for a []
- [] stated in various conversations and photos on her Facebook page, that she was the mother of []
- Matt Lyons sent an NRRI to RTA for [] based on evidence found in the illegally dumped waste linking the waste to [] of [] School and []
- Matt Lyons conducted a MINDA search of the trailer that was towed by the vehicle registered to [] The trailer's registration was []
- MINDA identified the trailer was unregistered, however had been previously registered []
- This address corresponded to the address that Jimboomba Police had identified as the last known address for []

22 April 2015

- Matt Lyons and Julie Hoek attended [] wanting to speak to [] and ask what he knew about an alleged illegal dumping of waste incident, which involved a trailer previously registered to him.
- Matt Lyons and Julie Hoek upon arriving at the premises exited the EHP vehicle and walked toward the front door of the premises.
- An unknown woman exited the premises and asked how she could help.
- Matt Lyons stated that they were there looking for []
- The unknown woman asked why they were looking for []
- Matt Lyons stated that they were there regarding a trailer that had been previously registered to []
- Matt Lyons asked if [] was home.
- The woman stated that he was home, []
- Matt Lyons introduced himself and stated that he was an employee of the Department of Environment and Heritage Protection. Julie Hoek also introduced herself and stated that she was an employee of the Department of Environment and Heritage Protection.
- Matt Lyons stated that they were actually there regarding illegally dumped waste that had been located off []
- [] would get the person that used the trailer and was not supposed to.
- Matt Lyons asked if it was []
- [] yes.
- [] wasn't supposed to use the trailer and that he was supposed to take the rubbish from their trailer and transfer it into his trailer and that [] wasn't there at the time.
- []
- []
- []
- [] asked if [] was in trouble.
- Matt Lyons stated that he would talk to [] about it.
- [] lived at the property.
- [] was working at the time and they were cleaning up the yard and she told [] the vouchers were on the fridge. She said that [] and another young fella didn't want to drive all the way to the dump.
- Two men [] walked to the front of the property.
- []
- Matt Lyons asked [] if there was a place where everyone could sit down.
- Matt Lyons, Julie Hoek, [] went to the rear of the property and sat down on the back verandah of the house.
- Matt Lyons stated that there was an incident in which [] vehicle had been

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witnessed driving along 49-Sch4 with an empty trailer.

- Matt Lyons showed [redacted] a photo of the vehicle driving along [redacted] towing an empty trailer.
- Matt Lyons asked [redacted] what he could tell him about the illegally dumped waste.
- [redacted] didn't have to say anything and would get a lawyer and walked away [redacted]
- Matt Lyons showed [redacted] photos of the waste.
- Julie Hoek asked if they recognised any of the waste in the photos.
- [redacted]
- [redacted]
- Matt Lyons asked if [redacted] if he lived at the address.
- [redacted] did live there.
- Matt Lyons asked who [redacted]
- [redacted]
- [redacted] used to live there and that they were friends of [redacted]
- Matt Lyons stated that the photos showed [redacted]
- [redacted] identified that [redacted] was in the front of the vehicle and a boy named [redacted] was in the back of the vehicle.
- [redacted]
- Matt Lyons stated that EHP had been looking for [redacted] and that there was a fine for illegal dumping in the amount of \$1,821.00.
- Matt Lyons stated that there was no court prosecution - just a fine.
- [redacted] returned a short time later accompanied by [redacted]
- Matt Lyons pointed to the photo of [redacted] vehicle driving along [redacted] towing an empty trailer and asked [redacted] to confirm that it was him driving the vehicle
- [redacted] stated that he was the person driving the vehicle.
- Matt Lyons showed [redacted] a photo of the waste that had been illegally dumped on the disused railway line firebreak, off Edelsten Road.
- Matt Lyons asked [redacted] if he was the person that had dumped the waste. [redacted]
- [redacted] made a nodding movement with his head indicating yes, that he was the person that dumped the waste.

- [redacted]
- [redacted]
- Julie Hoek explained that the waste had already been cleaned up by Queensland Rail.
- [redacted] thought dumping green waste was all right.
- Julie Hoek explained that dumping green waste was illegal and informed her that if illegal dumping from a vehicle is witnessed she could report it online.
- Matt Lyons and Julie Hoek thanked [redacted] for their assistance and left the rear of the property, accompanied by [redacted] and returned to the EHP vehicle and left the premises.
- **Footnote:** Whilst sitting at the rear of the property, Matt Lyons and Julie Hoek both observed an unknown male walking around in the backyard of the property with a sledge hammer.

Information to date:

- A report was received from [redacted] concerning illegally dumped waste on a railway line running off Edelsten Road, Jimboomba
- [redacted] emailed LIDU with photos of a vehicle registration [redacted] containing three occupants and towing an empty trailer driving along Edelsten Road
- Vehicle [redacted] is registered to [redacted] date of birth - [redacted] of [redacted]
- [redacted] 73(2) [redacted] from Queensland Police provided the address [redacted]
- [redacted]
- The trailer [redacted] towed by [redacted] car was registered to [redacted]

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	<p>49-Sch4</p> <ul style="list-style-type: none"> • [] identified items in the illegally dumped waste that belonged to him. • [] was the person who dumped the waste. • [] made an admission to driving the vehicle witnessed by [] • [] also made an admission to illegally dumping the waste piles that had been investigated by Matt Lyons and Julie Hoek. <p>Attachments: Email and photos from [] Email from Logan City Council showing dump sites Photos of the site Site investigation form Witness statement and photos NRRI to RTA response MINDA searches Email correspondence to QPS File Note of conversation with []</p>
Contact with alleged offender	As Above

3. Alleged offence details

Please delete offences not applicable to the assessment.

Section	PIN offence code	Offence description	Legislation	Penalty Units	Statute Limitation
s 104(1)(a)	WRR22	Illegally dump waste less than 2500L - individual	WRR Act 2011	16	12 months

4. Elements and supporting evidence

Please outline the elements of each of the offences listed above. Provide in detail what evidence is available to satisfy each and every element of the offence(s), the source, how it is/was obtained and when it will be/was obtained.

Elements	Type of Evidence	Source of Evidence	How evidence obtained
Littering or Illegally dumping offence occurred <ul style="list-style-type: none"> • Ownership / Occupier • Consent of owner / occupier • Bin or container provided 	Documentary	Complainant []	Telephone call from []
		Witness []	Mailed to LIDU via Aust Post
Illegally dumped waste of volume greater than 200L <ul style="list-style-type: none"> • Waste • Volume 	Documentary	Site investigation	Volumetric measurement of illegally dumped waste.

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Date and time of offence	Documentary	Witness statement 49-Sch4 	Mailed to LIDU via Aust Post
Location of dumping offence • A place	Documentary	Site investigation form	Site investigation
Identity of alleged offender • A person <i>WRR Act 2011 – Schedule Dictionary – prescribed person, for a vehicle littering or illegal dumping offence, means—</i> <i>(a) the person in whose name the vehicle associated with the commission of the offence is registered under a registration Act; or</i> <i>(b) a person named in a known user declaration or a sold vehicle declaration under the State Penalties Enforcement Act 1999 in relation to the offence.</i> <i>Acts Interpretations Act 1954 - Section 32D - In an Act, a reference to a person generally includes a reference to a corporation as well as an individual.</i>	Documentary	Witness statement from 	Mailed to LIDU via Aust Post
	Verbal	 	Personal interview with

5. Other enforcement options

Please detail what other enforcement options have been considered for this matter.

What other enforcement options been considered?	Warning Letter ☐ Considered Show Cause Notice ☒ Considered Compliance Notice ☐ Considered Penalty Infringement Notice (PIN) ☐ Considered
What are the reasons for using or not using these enforcement options?	A Show Cause Notice was considered to be issued to to allow for natural justice. A meeting with resulted in him making a full admission to illegally dumping the waste.

6. Recommendation

The officer is required to make a recommendation in relation to the matter under investigation.

recommend 	has made a full admission to illegally dumping waste off Edelsten Road, Jimboomba. I be issued a Penalty Infringement Notice for the breach of section 104 (1) of the WRR act 2011.
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7. Acknowledgement

The recommending officer and supervisor are required to sign and date below.

Recommending Officer	Supervisory Review
Signature: Print Name: Julie Hoek	Signature: Print Name: Vicki Hall

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Position: Authorised Officer	Position: Manager
Date: 7/5/15	Date: 18-5-15

8. Endorsement

The appropriate manager or supervisor is required to either support / not support the decision and sign and date below.

Decision for recommendation	
Reasons for decision Approved due to the admission of dumping made by 49-Sch4 to EHP officers.	
Signature:	Print Name: Angela Siggery
49-Sch4 - Signature	
Position: Acting Director, Sustainability Outcomes	Date: 19 May 2015



